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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

STEPHEN WENDELL & LISA WENDELL, his  
wife, for themselves and as successors-in-interest to  
MAXX WENDELL, deceased,

Plaintiffs,

v.

JOHNSON & JOHNSON; CENTOCOR, INC.;  
ABBOTT LABORATORIES; SMITHKLINE  
BEECHAM d/b/a GLAXOSMITHKLINE; TEVA  
PHARMACEUTICALS USA; GATE  
PHARMACEUTICALS, a division of TEVA  
PHARMACEUTICALS USA; PAR  
PHARMACEUTICAL, INC.,

Defendants.

CASE NO. 4:09-CV-04124 CW

**STIPULATED REQUEST FOR AN  
ORDER EXTENDING TIME AND  
[PROPOSED] ORDER**

Pursuant to Local Rule 6-2(a), the parties jointly request that the deadlines in this case be  
extended as set forth herein.

**STIPULATION**

The current deadline for the parties in the above-captioned case to participate in court-  
ordered private mediation is September 15, 2011. The current hearing date on Defendants' motions  
for summary judgment is Thursday, September 1, 2011. The parties have agreed to a private

1 mediator, Hon. Rebecca Westerfield, and have worked to schedule a mediation session prior to  
2 September 15, 2011. As a result of the difficulty of coordinating the schedules of the seven  
3 interested parties, their counsel, and the mediator, however, September 16, 2011 is the earliest date  
4 all parties are available to participate in the mediation session. Accordingly, the parties respectfully  
5 request that the Court extend the deadline for private mediation by one day to September 16, 2011.  
6 All dates apart from the briefing and hearings on Defendants' pending summary judgment motions  
7 have been vacated, so a one-day extension of the private mediation deadline likely will not delay the  
8 litigation.

9 On or around December 20, 2010, the Court granted a stipulated request to extend the  
10 deadline for private mediation from December 2010 to June 29, 2011, on the basis that the mediation  
11 was more likely to be successful after the parties had an opportunity to conduct further discovery.

12 On February 3, 2011, the Court granted the parties' stipulated request to extend the fact  
13 discovery deadline from February 2, 2011, to June 30, 2011, in light of extensive negotiations  
14 required to reach a protective order before documents could be produced by the parties and  
15 difficulties defendants experienced in obtaining medical records from third parties. No deadlines  
16 other than the fact discovery deadline were affected by this request and order.

17 On or around June 23, 2011 the Court granted the parties' stipulated request to extend the  
18 private mediation deadline from June 29, 2011 to September 15, 2011; stay discovery until after the  
19 mediation or ruling on Defendants' motions for summary judgment, whichever comes later; and  
20 allow the parties to file a proposed scheduling order within two weeks of the mediation (in the event  
21 it is unsuccessful) or ruling on defendants' motions for summary judgment, whichever comes later.

22 On July 21, 2011, the Court granted the parties' stipulated request to amend the summary  
23 judgment briefing schedule and continue the hearing dates on Defendant SmithKline Beecham d/b/a  
24 GlaxoSmithKline's ("GSK") and Defendant Abbott Laboratories' ("Abbott") motions for summary  
25 judgment to September 1, 2011, at 2:00pm.

**THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

1. The parties hereto request that the September 15, 2011 deadline for the parties to conduct private mediation be continued to September 16, 2011.

2. DECLARATION PURSUANT TO L.R. 6-2(a): The parties declare that (1) the reason for the requested enlargement of time is to allow the parties to engage in mediation; (2) as set forth above, the parties do not anticipate that this extension of the mediation deadline will affect other deadlines.

DATED: August 30, 2011.

/s/ Kevin Haverty  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: **August 30** \_\_\_\_\_, 2011

  
CLAUDIA WILKEN  
United States District Judge

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Kevin Haverty, am the ECF user whose ID and password are being used to file this STIPULATED REQUEST FOR AN ORDER EXTENDING TIME. In compliance with General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing: Kevin Haverty, counsel for Plaintiffs, Michelle A. Childers, counsel for Centocor Ortho Biotech, Inc., and Johnson & Johnson, William A. Hanssen, counsel for SmithKline Beecham Corporation, Traci L. Shafroth, counsel for Abbott Laboratories, and Prentiss W. Hallenbeck, Jr., counsel for Teva Pharmaceuticals USA, Inc., and Par Pharmaceutical, Inc.

/s/ Kevin Haverty  
Kevin Haverty, *pro hac vice*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 30, 2011, I electronically filed the foregoing STIPULATED REQUEST FOR ORDER EXTENDING TIME AND [PROPOSED] ORDER with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses registered, as denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have mailed a true and correct copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants listed below:

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DATED: August 30, 2011

By: /s/ Kevin Haverty

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